

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:07cv403**

RUTH ANN HENSLEY,

Plaintiff,

Vs.

**IRENE WORTHAM CENTER, INC.,
f/k/a Irene Wortham Day Care Center,
Inc., d/b/a Irene Wortham Residential
Center, Inc.; and IRENE WORTHAM
RESIDENTIAL CENTER, INC., f/k/a
Irene Wortham Retarded Residential
Center, inc., d/b/a Irene Wortham
Center, Inc.;and ROB RENZI,**

Defendants.

ORDER

THIS MATTER is before the court on Gilberto Felix Motion to Withdraw Suit, Motion for Reconsideration and Clarification (#53).

Mr. Felix is advised that in response to the contempt finding, Mr. Riches moved for reconsideration and the court withdrew the contempt in favor of a Rule 11 inquiry into whether an improper document had been filed by him with the court. Mr. Riches was allowed up to and inclusive of September 5, 2008, to file a written response to the court's Rule 11 inquiry or, in lieu thereof, he was advised that by the same date he could take advantage of the withdrawal provisions (otherwise known as the "safe harbor" provision) contained in Rule 11(c)(2). Such rule allows avoidance of sanctions by and through the party withdrawing the offending pleading. In his timely filed motion, Mr. Riches effectively withdrew the earlier pleading which

would have violated Rule 11. Thus, as of such striking of the offending pleading, the court no longer had a pleading pending before it containing a signature purporting to be that of Mr. Felix. Such previous Orders were sent to the Warden, and the court fully believed that such Order dissolved the contempt and resolved all matters.

To make certain, the court will allow Mr. Felix's Motion to Withdraw Suit and formally withdraw the civil contempt as to him. Further, the court will direct that a copy of this Order be sent to the Warden directing him to refund any money withheld from Mr. Felix.

ORDER

IT IS, THEREFORE, ORDERED that Gilberto Felix Motion to Withdraw Suit, Motion for Reconsideration and Clarification (#53) is **ALLOWED**, and the previous Order of Civil Contempt as to Mr. Felix is **WITHDRAWN**.

The Clerk of this court is instructed to send a courtesy copy of this Order to the Warden of FCI Williamsburg. The Warden is, respectfully, advised that Mr. Felix is no longer the subject of a civil contempt or Rule 11 inquiry in this matter. The court respectfully instructs the Warden to restore to Mr. Felix's account any funds withheld pursuant to the previous Order.

Signed: September 22, 2008

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

